
A
D E C L A R A T I O N
FROM

His Excellency Sir THOMAS FAIRFAX, and his Councell of Warre; concerning their proceedings in the Proposals prepared and agreed on by the Councell of the Army, to be rendred to the Commissioners of Parliament, residing in the Army, and with them to be treated on by the Commissioners of the Army.

Together with the Heads of the said proposals, containing the particulars of their desires in pursuance of their former Declarations and Papars, in Order to the clearing and securing of the Rights and Liberties of the Kingdome, and the settling of a just and lasting Peace

To which are added some farther particular desires for the removing of divers present pressing grievances, being also comprised in, or in necessary persuance of their former Representations and Papers appointed to be treated upon.



OXFORD.

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DECLARATION

From his Excellency Sir THOMAS FAIRFAX, and his
Councell of Warre, concerning the Proposals of the Army for
setling of a Peace, and the grounds of publishing the heads
thereof

SInce our drawing backe to Reading, wee have applied our
selves with all diligence to frame and hasten an intire body
of all the particular proposals, which wee would tender to
the Commissioners of Parliament, residing with the Army,
to be treated on, in pursuance of those generall desires ex-
pressed in our former Declarations, and papers for the securing of
the common rights and liberties, and a present setling of the peace
of the Kingdome: in which businesse (notwithstanding the many
interruptions and disturbances, with dayly advertisements of the
indirect and treacherous practices and preparations of the Commit-
tee of Militia, and others in and about the City of London and else-
where; tending to a new War, have occasioned to the diverting or
retarding of our proceedings therein yet) we have made a progresse
as speedy as the nature and weight of such a worke would admit:
and having finished the same, we have delivered in an abstract of the
heads thereof, unto the said Commissioners of Parliament to be treated
upon.

But the late pernicious engagement, set on foot in the City, and
(and much more that prodigious violence done to both Houses of
Parliament, on Monday last; having wholly taken us off for present,
and rendred all proceedings in the way of treaty thereupon meerly
vain and hopeles, untill it shall please God the Parliament be right-
ed and vindicated, against that violation done to it, & restored into
a condition of freedome: so as the unquestioned Members of it, may
repaire together with safety; and proceed according to their iust free-
dome: Wee have thought good in the meane time to make this pub-
lick tender, of the heads of the said Proposals to the consideration of
the whole Kingdom, wherein though al circumstances requisite to be
determined in an actuall settlement, be not so fully and perfectly ex-
pressed,

pressed as upon the Treaty intended (if not interrupted as before) they might speedily have beene; yet all men may see and understand in theirs; the effect and bottome of our desires, whereupon wee have sincerely studied that a present peace might be settled, which same thing (with and after such vindication of the Parliament, as may againe render it into a capacity to establish the same) wee shall still faithfully endeavour to the utmost of our powers, & accordingly shall expect the cheerefull and hartie concurrence of all those who are or shall be satisfied concerning the integrity of our intentions to the welfare of the Kingdome in this our Proposals, or who shall (for the maine) desire or approve of the same things with us in order to a settlement.

And to these Proposals which we here first tender as necessary to a peace, and upon which wee desire the seale of peace (in the restitution of his Maiesty, and others to their Rights, and in an act of oblivion to be past) wee cannot but adde the farther expression of our desires in some other particulars which (though not so essentiall to Peace, as necessarily to preced the settling of it) yet being matters of very publike, and (most of them) of generall grievance to the Kingdome (which wee every where find the out-cries of (and being contained in, or pursuance of the same things expressed in our former Representation and papars; wee shall desire that (the Parliament being set free) no time may be lost for a speedy consideration of them, so as the former things for the present settling of Peace be not delayed thereby.

Cole-Brooke
August 2. 1647.

Signed by the appointment of his
Excellency Sir Thomas Fairfax and
the Councell of Warre.

JOHN RUSHWORTH.
Secretary.

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THE HEADS OF THE

PROPOSALLS AGREED VPON BY HIS
EXCELLENCY Sir THOMAS FAIRFAX,

and the Councell of the Army to be rendred to the

Commissioners of Parliament residing in the

Army, and with them to be Treated on

by the Commissioners of the

A R M Y.

Containing,

The particulars of their desires in pursuance of their former Declarations and Papers, In order to the clearing and securing of the Rights and Liberties of the Kingdome, and the settling of a just and lasting Peace.

To which are added some farther particular desires (for the removing and redressing of diverse present pressing grievances) Being also comprised in, or in necessary pursuance of their former Representations and Papers appointed to be Treated upon.

THAT the things hereafter proposed being provided for (by this Parliament) a certain period may (by Act of Parliament) be set for the ending of this Parliament, (such period to be within a yeare at most) and in the same Act provision to be made for the succession and constitution of Parliaments in future as followeth:

- 1 That Parliaments may Biennially be called, and meet at a certain day, with such provision for the certainty thereof as in the late Act was made for Triennial Parliaments, and what farther and other provision shall be found needfull by the Parliament, to reduce it to more certainty: and upon the passing of this, the said Act for Triennial Parliaments to be Repealed.
- 2 Each Bienniall Parliament, to Sit 120 daies certain (unlesse adjourned or dissolved sooner by their own consent) Afterwards to be adjournable or dissolvable by the King, and no Parliament to Sit past 240 daies from their first meeting, or some other limited number of daies now to be agreed on, upon the expiration whereof, each Parliament to dissolve of course if not otherwise dissolved sooner.
- 3 The King upon advice of the Councell of State in the intervalls betwixt Bienniall Parliaments to call a Parliament extraordinary, provided it meet above 70 daies before the next Bienniall day, and be

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dissolved at least 60 daies before the same, so as the course of Biennial Elections may never be interrupted.

- 4 That this Parliament, and each succeeding Biennial Parliament, at or before the Adjournment or dissolution thereof may appoynt Committees to continue during the intervalls for such purposes as are in any of these proposalls referred unto such Committees.
- 5 That the Elections of the Commons for succeeding Parliaments may be distributed to all Counties or other Parts or Divisions of the Kingdome according to some rule of equality or proportion, so as all Counties may have a number of Parliament Members, allowed to their choyce proportionable to the respective rates they beare in the common Charges and Burthens of the Kingdome, or according to some other rule of equality or proportion, to render the House of Commons, (as neer as may be) an equall representative of the whole; And in order thereunto, That a present consideration be had to take off the Elections of Burgeises for poore decayed or inconsiderable Townes, and to give some present addition, to the number of Parliament Members for great Counties that have now lesse then their due proportion, to bring all (at present) as neere as may be, to such rule of proportion as aforesaid.
- 6 That effectuall provision be made for future freedome of Elections, and certainty of due returns.
- 7 That the House of Commons alone have the power from time to time to set downe farther Orders and rules for the ends expressed in the two last preceding Articles, so as to reduce the Elections of Members for that House to more and more perfection or equality in the distribution, freedome in the Election, order in the proceeding thereto, and certainty in the Returnes, which Orders and Rules (in that case) to be as Lawes.
- 8 That there be a liberty for entring dissent in the House of Commons with provision, that no Member be censurable for ought said or Voted in the House, farther then to exclusion from that trust, and that only by the judgement of the House it selfe.
- 9 That the judiciaall power, or power of finall judgement in the Lords and Commons, and their Power of Exposition and Application of Law (without farther Appeale) may be cleared: And that no Officer of justice, Minister of State, or other Person adjudged by them may be capable of Protection or Pardon from the King without their advice and consent.
- 10 That the Right and Liberty of the Commons of England may be cleared and vindicated, as to a due exemption from any Judgement, Triall, or other proceeding against them by the House of Peeres without the concurring judgement, of the House of Commons, as also from any other judgement, sentence, or proceeding against them, other then by their Equalls, or according to the Law of the Land.

11 The same Act to provide, that Grand-jury men may be chosen by and for severall Parts or Divisions of each County respectively in some equal way (and not remaine as now, at the discretion of an Under-sheriffe to be put on or off,) and that such Grand-jury men for their respective Counties may at each Assize present the names of Persons to be made Iustices of Peace, from time to time (as the Country hath need for any to be added to the Commission) and at the Summer Assize to present the names of three ----- persons, out of whom the King may pick one to be Sheriffe for the next year.

2 For future security to Parliaments and the Militia in generall in order thereunto, That it be provided by Act of Parliament,

- 1 That the Power of the Militia by Sea and Land during the space of tenne years next ensuing, shall be ordered and disposed by the Lords and Commons Assembled and to be Assembled in the Parliament of England, or by such Persons as they shall nominate and appoint for that purpose from time to time during the said space.
- 2 That the said Power shall not be Ordered, disposed, or exercised by the Kings Majesty that now is, or by any Person or Persons by any authority derived from him, during the said space, or at any time hereafter by his said Majesty, without the advice and consent of the said Lords and Commons, or of such Committees or Councell in the intervalls of Parliament as they shall appoynt.
- 3 That during the same space of tenne years, the said Lords and Commons may by Bill or Ordinance, raise and dispose of what Monies, and for what Forces they shall from time to time find necessary, as also for payment of the publique Debts and Damniages, and for all other the publique uses of the Kingdome.
- 4 And to the end the temporary security intended by the three particulars last precedent may be the better assured, It may therefore be provided, That no Subjects that have been in hostility against the Parliament in the late Warre, shall be capable of bearing any Office of Power or Publique trust in the Commonwealth, during the space of five years without consent of Parliament, or of the Councell of State, or to Sit as Members or Assitants of either House of Parliament, untill the second Bienniall Parliament be past.

3 For the present forme of disposing the Militia in order to the Peace and safety of this Kingdome, and the service of Ireland.

- 1 That there be Commissioners for the Admiralty, with a Vice-Admirall, and Rete-Admirall, now to be agreed on, with power for the forming, regulating, appointing of Officers, and providing for the Navie. and for ordering the same to and in the ordinary services of the Kingdome. And that there be a sufficient provision and Establishment for pay and maintenance thereof.

2 That

- 2 That there be a Generall for Command of the Land forces that are to be in pay, both in England, Ireland, and Wales, both for Field and Garrison.
- 3 That there be commissioners in the severall Counties for the standing Militia of the respective Counties (consisting of Trayned Bannes, Auxiliaries not in pay,) with Power for the proportioning, forming, regulating, Training and Disciplining of them.
- 4 That there be a Councell of State; with power to superintend and direct the three severall and particular powers of the Militia mentioned for the Peace and safety of this Kingdome and of Ireland.
- 5 That the same Councell may have power as the Kings Privie Councell, for and in all Forraigne Negotiations; Provided that the making of Warre or Peace with any other Kingdome or State, shall not be without the advice and consent of Parliament.
- 6 That the said power of the Councell of State be put into the hands of trusty and able Persons now to be agreed on, and the same Persons to continue in that Power, (si bene se gesserint,) for a certain Terme, not exceeding seven years.
- 7 That there be a sufficient Establistment, now provided for the large Forces, both in England and Ireland, the Establistment to continue untill two Months after the meeting of the first Bienniall Parliament.
- 4 That an Act be passed for disposing of the great Offices for ten years by the Lords and Commons in Parliament, or by such Councill as they shall appoynt for that purpose in the intervalls, (with submission to the approbation of the next Parliament) and after tenne years to nominate three, and the King out of that number to appoynt one to the succession upon any vacancy.
- 5 That an Act be passed for restraining of any Peeres made since the 21. day of May 1642. or to be hereafter made, from having Power to Sit or Vote in Parliament, without consent of both Houses.
- 6 That an Act be passed for recalling and making voyd all Declarations and other proceedingt against the Parliament, or against any that have acted by or under their authority in the late Warre, or in relation to it, and that the Ordinances for indemnity may be confirmed.
- 7 That an Act be passed for making voyd all Grants &c. under the Great-Seale that was conveyed away from the Parliament, since the time that it was so conveyed away, (except as in the Parliaments Proposition) and for making these valid that have been or shall be passed under the Great Seale made by the Authority of both Houses of Parliament.
- 8 That an Act be passed for confirmation of the Treaties between the two Kingdomes of England and Scotland, and for appoynting conservators of the Peace betwixt them.
- 9 That the Ordinance for taking away the Court of Wards and Liveries be confirmed by Act of Parliament, provided His Majesties Revenue be not damaged therein, nor these that last held Offices in the same, left without reparation some other way.

to An Act to declare voyd the Celsation of Ireland &c. And to leave the prosecution of that Warre to the Lords and Commons in the Parliament of England.

111 An Act to be passed to take away all coercive power, authority and jurisdiction of Bishops, and all other Ecclesiasticall Officers whatsoever, extending to any Civill penalties upon any, & to repeale all Laws whereby the Civill Magistracy hath been, or is bound, upon any Ecclesiasticall course to proceed, (ex Officio) unto any Civill Penalty against persons so censured.

12 That there be a Repeale of all Acts and Clauses in any Act, injoyning the use of the Book of Common Prayer, and imposing any penalties for negle& thereof, as also of all Acts or Clauses in any Act imposing any penalty for not comming to Church, or for meetings elsewhere for Prayer, or other religious duties, Exercises or Ordinances. And some other provision to be made for discovering of Papists and Popish Recusants, and for disabling of them and of all Jesuites and Priests from disturbing the State.

13 That the taking of the Covenant be not enforced upon any nor any penalties imposed upon the refusers, whereby men might be constrained to take it against their judgements and Consciences, but all Orders or Ordinances tending to that purpose to be repealed.

14 That the things here before proposed being provided for settling and securing the Rights, Liberties, Peace and Safety of the Kingdome) His Majesties Person, His Queene, and Royall Issue, may be restored to a condition of Safety, Honour and Freedome in this Nation, without diminution to their Personall Rights, and farther limitation to the exercise of the Regall Power then according to the particulars beforegoing.

15 For the matter of Compositions.

1 That a lesse number out of the Persons excepted in the two first Qualifications (not exceeding five for the English) being nominated particularly by the Parliament, who (together with the persons in the Irish Rebellion included in the third Qualification) may be referred to the farther judgement of the Parliament, as they shall find cause) all other excepted Persons may be remitted from the exception and admitted to Composition.

2 That the Rates for all future Compositions may be lessened, and limited not to exceed the severall proportions hereafter expressd respectively. That is to say:

1 For the Persons formerly excepted not above a third part.

2 For the late Members of Parliament under the first Branch of the 4 Qualification in the Propositions --- a fourth part.

3 For other Members of Parliament in the 2. and 3. Branch of the same Qualification --- a fifth part.

4 For the Persons nominated in the said 4. Qualification, and those included in the 10. Qualification --- an 8. part

5 For all others included in the 6. Qualification a tenth part

And

And that reall debts either upon Record or proved by witnesses be considered and abated in the valuation of their estates in all the cases aforesaid-

- 3 That those who shall hereafter come to compound may not have the Covenant put upon them as a condition without which they may not compound, but in case they shall not willingly take it, they may pass their compositions without it.
- 4 That the persons and estates of all English, not worth 200. l. in land or goods, be at liberty and discharged; and that the Kings meniall servants that never tooke up armes, but only attended his person according to their offices, may be freed from composition, or to pay (at most) but the proportion of one yeares Revenue or a 20th part.
- 5 That in order to the making and perfecting of compositions at the rates aforesaid, the Rents, Revenues, and other dues and profits of all sequestred estates whatsoever (except the estates of such persons who shall be continued under exception as before) be from henceforth suspended or detained in the hands of the respective Tenants, occupants and others from whom they are due, for the space of six moneths following.
- 6 That the faith of the Army, or other forces of the Parliament, given in Articles upon surrenders to any of the Kings party, may be fully made good, and where any breach thereof shall appear to have been made, full reparation and satisfaction may be given to the parties injured, and the persons offending (being found out) may be compelled thereto.

16 That there may be a generall act of oblivion, to extend unto all (except the persons to be continued in exception as before) to absolve from all trespasses, misdemeanours, &c. done in prosecution of the warres; and from all trouble or prejudice for or concerning the same) after theire compositions past) and to restore them to all privileges &c. belonging to other subjects, provided as in the fourth particular under the second generall head foregoing concerning security.

And where as there have beene of late stronge indeavours and practises of a factious and desperate party to imbroyle this Kingdome in a new Warre, and for that purpose to induce the King, the Queene and Prince to declare for the said party, and also to excite and stir up all those of the Kings late party to appeare and engage for the same, which attempts and designs many of the Kings parties (out of their desires to avoid further misery to the Kingdome) have contributed their endeavours to prevent (as for divers of them we have had particular assurance) wee doe therefore desire that such of the Kings party who shall appeare to have expressed, and shall hereafter express that way, their good affections to the peace and welfare of the Kingdome, and to hinder the imbroyling of the same in a new warre, may be freed and exempted

empted from Compositions or to pay but one yeeres revenue or a 20th part.

These particulars foregoing, are the heads of such propofals as wee have agreed on to tender in order to the settling of the peace of this Kingdome, leaving the termes of peace for the Kingdome of Scotland, to stand as in the late propositions of both Kingdomes, untill that Kingdome shall agree to any alteration.

Next to the propofals aforesaid for the present settling of a peace we shall desire that no time may be lost by the Parliament, for the dispatch of other things tending to the welfare, ease and just satisfaction of the Kingdome, and in speciall manner.

1. That the just and necessary liberty of the People to represent their grievances & desires by way of Petition, may be cleared and vindicated according to the fifth head in the late Representation, or Declaration of the Army, sent from St. Albans.

2. That in pursuance of the same head in the said Declaration) the common grievances of the people may be speedily considered on, and effectually redressed, and in particular;

- 1 That the Excise may be taken off from such commodities, whereon the poore people of the Land doe ordinarily live. And a certain time be limited for taking off the whole.
- 2 That the oppressions and encroachments as Forrest Lawes may be prevented for future.
- 3 All Monopolies (old or new) and restraints to the freedome of trade to be taken off.
- 4 That a course may be taken, and Commissioners appointed to remedy and rectifie the inequallity of rates lying upon severall Countiees and severall partes of each County in respect of others; and to settle the proportions for Land, Rates to more equallity throughout the Kingdome; in order to which we shall offer some further particulars which we hope may be usefull.
- 5 The present unequall, troublesome and contentious way of Ministers maintenance by Tythes to be considered of & some remedy applied.
- 6 That the rules and course of Law, and the Officers of it may be so reduced and reformed, as that all suits and questions of right may be more cleare and certaine in the issues, and not so tedious nor chargeable in the proceeding as now: in order to which we shall offer some further particulars hereafter.
- 7 That Prisoners for debt or other Creditors (who have estates to discharge them) may not by clubbing imprisonment, or any other wayes have advantage to defraud their Creditors, but that the estates of all men may be some way made liable to thier debts (as well as tradesmens are by Commissions of Bankerour) whether they be imprisoned or not, and that such prisoners for debt who have not wherewith to pay, or a less doe yield up what they have to their

Creditor

Creditors may be freed from imprisonment or some way provided for so as neither they nor their families may perish by their imprisonment.

8. Some provision to be made, that none may be compelled by penalties or otherwise to answer unto questions tending to the accusing of themselves or their nearest Relations in criminall causes, And no mans life to be taken 2 way under two witnesses.
9. That a consideration may be had of all Statutes, and the Lawes and Customes of Corporations, imposing any Oaths, either to Repeale, or else to qualify and provide against the same so farre as they may extend or be construed to the molestation, or anining of Religious and Peaceable people, meerly for Non-conformity in Religion,
- 3 That according to the sixth Head in the Declaration of the Army the large powers given to Committees or Deputy Lieutenants during the late times of Warre and distraction may be speedily taken into consideration, to be called and made voyd, and that such Powers of that nature as shall appeare necessary to be continued, may be put into a regulated way, and left to as little Arbitrarinesse, as the nature and necessity of the things (wherein they are conversant) will beare.
4. That (according to the 7. Head in the said Declaration) an effectnall course may be taken, that the Kingdome may be righted and satisfied in poynt of Account, for the vast summes that have been levied.
5. That provision may be made for payment of Arrears to the Army and the rest of the Souldiery of the Kingdome, who have concurred with the Army in the late Desires and proceedings thereof; And in the next place for payment of the publique Debts and Damimages of the Kingdome, and that to be performed first to such Persons, whose Debts or Damimages, (upon the publique Accounts) are great, and their estates small: so as they are thereby reduced to a difficulty of subsistence: In Order to all which, and to the fourth particular last preceding, we shall speedily offer some farther particulars, (in the nature of Rules) which we hope will be of good use towards publique satisfaction.

August 2.
1647.

Signed by the appoyntment of his
Excellency Sir THOMAS FAIR-
FAX, and the Couucell of Warre.

JO. RVSHVORTH
Secretary.

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